

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Hawaii Island Burial Council
Meeting Minutes

DATE: Thursday, June 20, 2013
TIME: 9:30 am To 2:30 pm
PLACE: Waimea Community Center
65-1260 Kawaihae Road
Kamuela, Hawaii 96743

HIBC MEMBERS: Charles Young, Landowner/Developer Council Vice-Chair
Nalei Kahakalau/ Hamakua Representative
Leningrad Elarionoff, Kohala Representative
Gene "Bucky" Leslie, Kona Representative
Kimo Lee, Landowner/ Developer Council Chair
Maxine Kahaulelio, Waimea Representative

ABSENT/EXCUSED: Keith Unger, Landowner/Developer Representative
Edwin Miranda, Hilo Representative

SHPD STAFF: Kauanoë Hoomanawanui, Hawaii Island Burial Sites Specialist
Mike Vitousek, Hawaii Island Lead Archeologist
Sean Naleimaile, Hawaii Assistant Archeologist
Johnny, SHPD Summer Intern

GUESTS:
James Wahinekapu
Stephanie Nagata
Ka'ano'hi Kaleikini
Wayne Mahi
Sara Collins
Steve Clark
Jane Clement
Bobby Command
Jim Perry
Sean Asmos
Jeanette Bento
Rick Oliver
Pat & Jane Asing
Gerald Wahinekapu
Sheri K. Wahinekapu
Shane Nelsen
Charles Flaherty
Nicole Lui

Gale Perez
Ken Van Bergen
Alan Haun
Nancy Capri

I. OPEN REMARKS:

Kimo Lee, HIBC Chair called meeting to order at 9:53 am.

II. ROLL CALL/ PULE:

Council member Nalei Kahakalau gave pule.

Chairman Lee, HIBC members and the SHPD staff introduced themselves.

III. APPROVAL OF MINUTES

A. February 21, 2013.

Charles Young moved and Bucky Leslie seconded motion to approve minutes.

Chairman Lee opens the floor for discussion.

Council member Elarionoff extends his gratitude in the minutes that have been forthcoming. Bucky Leslie suggests Elarionoff will be missed as his persistence and keen observation has been greatly appreciated.

Motion approved unanimously.

B. April 18, 2013.

Charles Young moved and Nalei Kahakalau seconded motion to approve minutes.

Chairman Lee opens the floor for discussion.

No comments.

Motion approved unanimously.

IV. NEW BUSINESS

A. Draft Burial Treatment Plan for Burial Sites located at Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor, Ka'ohe Ahupua'a, Hamakua District, Hawaii Island, TMK: (3) 4-4-015:009 and (3) 4-4-015:por.001.

Information/Discussion/Recommendation/Determination: Discussion on the above plan, determination whether to preserve in place or relocate human skeletal remains, and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by Pacific Consulting Services, Inc.

Leningrad Elarionoff made a motion to preserve in place and Charles Young seconded.

Stephanie Nagata with Office of Mauna Kea Management introduced herself in the purpose of gaining an approval from the HIBC. Unlike most burial treatment plans, we are doing it for our stewardship

responsibilities. In 2005 we initiated the AIS for the areas within OMKM. The results of that survey have provided the bases of the CRMP which includes a recommendation to complete a BTP. The CRMP was later incorporated into the CMP. The CMP reinforces the initiation of the BTP. Both the CRMP and CMP were approved by BLNR in 2009-2010. We did come before the council last year and introduced the BTP, seeking feedback and comments. Our plan is based on the HAR and with the preferred recommendation of preservation in place of all burials. To expand the historical context section we used what was in the AIS that were approved by SHPD in 2010. We also clarified and expanded in what we would do in the event of exposed iwi. We provided more descriptive actions to protect those iwi. It is primary that our rangers and archaeological monitors cover them to protect the bones while doing monitoring, surveying activities. In respect to inadvertent discoveries of human skeletal remains, if they are discovered exposed and under the HRS 6.E and if we feel they will be at risk by imminent harm. So that we would be able to temporarily cover the iwi and later contacting SHPD for the final disposition of the iwi. The first bullet on page 28 needs to be deleted as it is replaced by the following bullet. This was a quick summary of our BTP.

Chairperson Lee opens the floor for discussion.

Councilmember Bucky Leslie asks for Ms. Nagata to repeat the bullet, Ms. Nagata states the top bullet on page 28. Leningrad Elarionoff begins with page 19, people are collecting the blanks and it seems as if some would say that. How can they rationalize the old folks disregarding the blanks. How that could be rationalized. Sara Collins answers she doesn't know, it is our assumption that those blanks are rejects. At the time the object is assumed to not suit the purpose. Elarionoff adds there are hundreds of them and below them are more. I was just wondering how the new people whom are coming after the old people. On page 25, continues Elarionoff, on the very bottom of the page, the site number and long-term preservation measures. Preservation will take place with regular and periodic monitoring. How often is regular versus periodic monitoring. Sara Collins answers periodic will be every three years and the regular monitoring for every year. The sites recommended for regular monitoring are in the areas of visitor activity. Those in areas with not as much activity will be within the periodic monitoring. We did not feel all year round personnel are not needed in the remote areas. Elarionoff asks who would make that decision, Collins answers OMKM. Next on page 26, very last paragraph, second sentence down, is it would or will? Steve Clark answers please eliminate the word will and make it conditional so we may do consultation. On page 27, continues Elarionoff, the fifth bullet down, the very last sentence, says due to the proximity of the summit and possible impact. Sara Collins adds that is the one that would need additional monitoring. Elarionoff continues, on the bottom, the 8th bullet, the archaeological/cultural research and the 9th bullet, interested individuals. Which do the individuals fit into, both of those groups or one of those groups or all the research guys? We grouped them together, for those who are asking to do research would be asked to contact OMKM. This is not for cultural practitioners, only cultural and archaeological research answers Sara Collins.

Councilmember Maxine Kahaulelio, on page 1, the last paragraph, the AIS was conducted 11,288 acres, for 20 weeks, how did you do that? It is rather hard to believe from 2005-2009. Steve Clark answers it took five years and a crew of 4-5 people, the visibility was excellent, the ground surface was clear. The slabs or boulders that indicate shrines were visible from a long way. Kahaulelio adds Mauna Kea is challenging and it should not be touched at all, although it has been. The date these sites were first recorded was in 2006. Mauna Kea has been up there more than 6000 years. I do not approve this BTP, and I pray to Akua this mountain should not be touched. You should call God and the Kanaka Maoli for permission.

Chairperson Lee summarizes this BTP is addressing the burials atop Mauna Kea, all are recommended to be preserved in place. This meeting is strictly pertaining to the burials identified on the mountain; we are not talking about the use or military. Vice Chairperson Young adds there will be an opportunity for public testimony, and the plans may be available for public review. If I recommend you folks to distribute any

more extra BTP copies for the public. I also wanted to add the question, can you cover that much acreage under such conditions. It questions how much you can cover in that time frame. Some sites may have taken 3 weeks. We are talking about a very vast area. I'm wandering if this BTP is addressing all future development of the 11,000 acres. Is this to be used as the final BTP with any new development and what is the further development of the area? I know the original EIS did not call for all the present telescopes on the mountain. It's good but overdo in my opinion. Preservation in place is the right thing to do but there is certainty that much more monitoring to be called for. The increase of visitor activity may be due to the unanticipated telescopes. How does this document moving forward effect all new future development. Nagata answers, in the case of the TMT, they are required to complete BTP. The TMT is the only likely project to come forward. If any future developments it will only be a recycling of an existing site. Vice Chair Young asks how the mountain has been inventoried. Nagata answers an inventory was done for the astronomy precinct at first. The one potential burial identified is the one that we would do regular monitoring. Collins adds regarding the survey conducted in 2006,7,8,9. Your right it was very hardcore, however I feel reasonably confident that we found all the sites. We did the work with 2- 5 people, where we moved across the transcend line to document sites found. The sites we found were most burials would be were thoroughly documented. I do feel comfortable that all the Pu'u in our survey area was documented the best we could. Clark would like to add that the principle investigator had been working on Mauna Kea since the mid-70s there were areas of the science reserve that had been previously documented. We had areas that we already knew what was there. It took us less time to examine the photographs and maps that have been already drawn. It takes a while to hike up Pu'u Makaanaka, as it is quite steep. Young ads, most archaeologists always say they are reasonably confident that all sites have been documented. It's one sided you get what you need and we don't get what we need.

Nalei Kahakalau applauds the consultants on their hard work. A few things I had concerns with; periodic and regular monitoring. I wish we included buffer zones, we don't know what is going to happen in the future. I would like to see buffer zones. Especially for the fingers I would like to see at least a mile buffer. My kupuna never thought there would be telescopes up there today. I want to see buffer zones. I agree with preservation in place. The access concerned me as well. The concern with inadvertent, new sites was found and we would like more protection. Regarding inadvertent we see the jurisdiction of inadvertent to the state with a high turnover. I would like to see the burials to be previously identified. On page 27, bullet 8 that's very maha 'oe, if that is not your family, don't go in there. You are not allowed up there if you have no family kuleana. If you have Ohana in different districts you should malama your own district. Mahalo for preserving in place the 34 burials that are documented to date, however, there are many more burials.

Ms. Nagata addressed Council member Kahakalau concerns on the university's position allowing for no development to take place outside the astronomy precinct, which is where the current telescopes are located. The fingers will never be developed. The buffer zone would be the entire area outside the astronomy precinct would be considered the buffer zone; the one exception is the Pu'u Wekiu, outside the astronomy precinct. Kahakalau honors those words and have not seen the action to that yet. Nagata adds the discussion the future development was part of the decommissioning plan and there will be no new development within the science preserve as of 2010 as approved than by DLNR.

Vitousek, could that be drawn as a buffer zone, could the entire area be drawn outside the astronomy precinct will be the buffer zone and included in the burial treatment plan. Collins adds it would definitely conform to the land board's direction. Nagata adds the area outside the precinct is considered a cultural and natural preserve. Kahakalau clarifies outside the precinct will be the buffer zone? Collins asks if it would be approved by DLNR.

Kahaulelio, on page 8, on socio-political content, that paragraph blew me away. It says Mr. Lyons referred to Ka'ohē as worthless waste to the interior of Hawaii. That caught me, out of this whole book.

Every aspect of our island, from all views, just because its barren land, it hurt me. You can grow cactus on barren land.

Chairperson Lee clarifies they need to put that in here, if you folks would like to clarify. Collins describes its historical background of Ka'ohe. Kahualelio asks if you take to the people to read, they take it into context as this is a burial treatment plan. Lee suggests it's not only describing the burial. Elarionoff goes on to add that I read the text and wasn't bothered. The source, he is not from here, his values are different. That is his opinion, what is useless to one is not the same for others. Earlier it was mentioned about the buffer zone. Will it be included?

Vice Chair Young agrees with the buffers and asks how do you look at enforcement? Nagata answered legislature gave UH authority to promulgate rules and gives us enforcement powers. In those rules we would be able to enforce the rules. However there may be rules at SHPD that supersede ours. We have a ranger program that includes 8 full time rangers.

Chairperson Lee opens the floor for public testimony.

Aloha ladies and gentlemen of the council. I am Jim Medeiros Sr., a descendant to Ka'ohe. The comments on page 8 can be omitted; firms can choose and use judgment that comment seems racial. You put in an opinion of a non-Hawaiian and that is not necessary for us to here that opinion. Not necessary to have in this type of plan. You're collecting and choice of data can be different. Don't talk non nice things of our aina. This plan should be differed, and I have issues with the staff and university. I have been trying to consult to cover the iwi up as they are exposed. I thought I could contact Nagata that could contact Collins in which we could create a mechanism to show me where and how I can cover the iwi up. Nagata stated, don't you think that your kupuna knew that the kupuna would be exposed. She has no interest in my culture or my people. She has no opinion on exposed iwi. You are not to interpret our culture; your position should be neutral from the beginning. You are telling me 4 people to 400 acres a day; this doesn't offer a thorough survey. I support the use of buffer zones. The university should not be touching or covering the bones, under any circumstances. We are descendants and you are to locate us, we can't trust you and we are alive and we can do it. We want to do it, take all the language out, you locate the family. I recommend no approval of this plan, I agree with preserve in place.

My name is Pat Asing, born and lives on the homestead, everything Mr. Medeiros says I concur. When you, University of Hawaii, when you do research in this area whom accompanies you? Do you have a council member, as we cherish our aina? You have done something without our permission. You have no right to survey our iwi. Who gave the permission to even build atop the grounds of Mauna Kea?

I am Kaonohi Kaleikini; I flew in from Oahu and am also a descendant of Ka'ohe. In regards to the burials I support preservation in place. There are three burials that require restoration work. The location of the burials limits access. It was suggested that they do the malama part of the iwi. We do have family that is capable to trek to the site. We have done similar treks to malama iwi and we make sure they are not exposed and taken care of. We would like to take care of that now, once the determination to preserve in place is approved. On page 26 you can see where the restoration is needed. Leslie asks for a recommendation to treat those iwi. Kahualelio, this is the stuff that is heart aching. Even on private property you need to call and ask for access. I would like to see this in a burial treatment plan that all access to kanaka Maoli, if there heart is there. Who do we ask permission, University, DLNR, who do we go to. Is that what your question is? Kaonohi states, we shouldn't have to ask for permission to malama the iwi. That is not for them to give me permission as they make it seem as if we just got here, we were here for hundreds of years. It's not like all the books on Kamehameha, we began before him. There are too many interested parties; we don't appreciate everybody impacting our burials atop Mauna Kea. Is there AIS, and is it approved, can I get a copy.

Aloha, I am Sheri Wahinekapu and I am here to be placed on record in support the preservation of the iwi. A comment I have regarding iwi, beyond iwi there are ashes that are spread out up there also. Regarding Ka'ohē I don't know what year this comment was made. The area is full of resources sustainability for us and Ke Akua would never give us a worthless creation. I am offended to hear that. We share our mana'o and a'ole pilikia I share with you what you may not know.

I am Wayne Mahi, please preserve the iwi in place, and I would like to see buffer zones. Collins adds that the buffer zone is large and the area will be protected. Mahi continues to ask Collins if there are recognized descendants for the area. Collins answered, when descendants make themselves known then they would be given access. We would look to the council to aid in the language that would be appropriate. Mahi thanks Collins.

Aloha mai kakou, I am Nicole Lui. I also accept the preserve in place and concur with Kaonohi and Jimmy. There needs to be more transparency where you folks call a group or recognized descendants to aid you folks. In the future, a cultural descendant can be the liaison between agencies and descendants, our concerned parties. I also agree with the buffer area and in the future more communication is needed. It works really well when there is transparency.

Aloha, I'm Shane Nelsen; HIBC is a State commission council and UH is under the State of Hawaii, correct? Their job is to manage the Mauna Kea Summit, correct? My point is, there is a lack of collaboration between the OMKM and HIBC and more discussion needs to take place. I sit on the advisory council of OMKM. We discuss a lot of things. We seek guidance and recommendations from HIBC so we can get it right. I have heard recommendation s of treatment to burial sites. We need to focus on the burial site. I concur with Kaonohi and Jimmy in seeking access and the preservation in place for all the iwi.

Vice Chair Young emphasized the gap in collaboration between agencies and the HIBC, and that's true for other states. A lot of the lack of communication is due to the Sunshine Law. As we move forward it seems we need one clearing house. I observe Ka Huku Mauna as that agency that can be that clearing house. Chair Lee also ads we are an advisory commission to DLNR. Leslie suggests that we have DLNR here with us and we do not fall in the cracks.

Motion on the floor to preserve in place approved unanimously.

Bucky Leslie made a motion to recommend to SHPD to approve the plan with recommendations and Leningrad Elarionoff seconded.

Chairman Lee opens the floor for discussion.

Vice Chair Young makes recommendations that includes buffers, access, enforcement and questions of the inventory. Leslie comments on the access as we have always had problems with access. How do we resolve this, everyone wants access. Kaonohi clarifies we have applications with the State being processed as we speak. Young states the issue may be access to the entire mountain or burials and this needs to be clarified. Lee questions Nagata regarding consultation on access. Besides Ka Huku Mauna, access for recognized descendants is in the BTP? Collins answers on page 25, access is granted to descendants. Young suggest to Kaonohi, Ka Huku Mauna, as an entity being the access point of contact. You don't have to answer me now. Medeiros mentions we just need access; we don't want to beg each time.

Kahaulelio stresses, no one owns Mauna Kea, and people need to get registered as recognized descendants. Leslie adds a phone call to OMKM needs to occur prior to accessing the mountain. Kahakalau agrees with not having to ask for access as they are the Ohana to those iwi. Jimmy Medeiros

clarifies as a descendant I need clear access to malama my family graves. There aren't very many descendants that are able to be recognized to the area. Lee states that many descendants have had different views in what is appropriate for burial treatment.

Nelsen clarifies OMKM is tasked to manage the mountain and does not lease. Kahualelio asks who paid the dollar a year. Lee states this is off the subject. Nelsen adds on the subject, Mr. Asing, he brought up the issues with inadvertent discovery. BTP's do include a plan in the case iwi are found after the BTP is approved. Mr. Asing states because of real estate interest we are here in defense. This is the violations our Hawaiian people are not built for.

Mike Vitousek asks access since these are public lands and not private lands, can you prevent people from accessing the land. Nagata answers the access issue is addressed through rules, specifically in this plan we are talking about access to the burials. We would like only lineal and cultural descendants to have access and not the general public. Because of the public lands, the public has access.

Young refers back to the buffer, if the buffer encompasses the entire area, does it supersede the public area. In discussion we address the entire 11, 000 acres being the buffer area. Vitousek states it wouldn't be a buffer from hunters. You have to identify in the plan what are you buffering the site from. Most buffers are for permanent construction. Kaonohi states another concern in how OMKM will permanently protect the burials. Hoomanawanui recaps the recommendations with Chairperson Lee. Lee states the buffer encompassing the area outside the astronomy precinct. Enforcement's mechanism should be implemented by OMKM. Nagata includes that these are Chapter 6E sites, DOCARE will also be contacted. If there are no recognized descendants we still need a process available to us. We would like to immediately cover in place without impacting or removing anything.

Kaonohi asks why are the iwi exposed atop the mountain and why won't you let the descendants cover them up. Young asks when you would be able to cover the iwi that are currently exposed. Medeiros asks if Collins could show us where the iwi are so we could cover them. There is no liability for me as I am a descendant and would like to cover my ancestors. Young asks are there something keeping the descendants to cover the iwi. Collins explained that is against the law to move or alter a burial site during a survey. During the BTP progress we were almost ready to cover the iwi. Until the BTP is approved can we cover the iwi? Whether it's having the descendants to cover or us, we would like HIBC support. Medeiros adds everyone cooperating during the BTP process is what we need. Hoomanawanui clarifies; during consultation with descendants is where it will be planned. In collaboration with staff and descendants it can be achieved. We need to have the burials covered and those need to be documented so we may accommodate the families. Nagata indicated that we seek direction from HIBC in the language of the BTP in collaborating.

Asing acknowledges that this is the western culture law, and the standards of the university, and we old Hawaiians do not understand this. An old Hawaiian saying says share the same poi bowl. If all collaborate we can work together. Although different people eat from different poi bowls. You can see here who eats from the same poi bowl.

Lee asks Hoomanawanui if the treatments stated by Medeiros regarding inadvertent are in 6E is able to be followed through. Hoomanawanui clarifies yes and the recommendations are; one is the buffer zone being outside the astronomy precinct. The second is access for the cultural and lineal descendants to be secured in the plan. Thirdly periodic monitoring to be yearly and regular monitoring will be every six months. Please remove bullet eight on page 27 taken from the long-term measures. Site 21209 should be under regular monitoring and not periodic.

Hoomanawanui simplifies the 11000 acres can be considered as a burial preserve area. Nagata suggests a 200 foot burial buffer around each burial may be a better way than having the whole acreage a burial

preserve. We would like to be able to assure other native Hawaiians and cultural practitioner's access. Medeiros suggests that language should have been in the BTP earlier to clearly explain access.

Nicole Lui asks if that area is public, and if so does it come under their care and they get to decide whom goes there in that area. Vitousek answers because of public lands, access may not be restricted.

Council member Nalei Kahakalau and Maxine Kahaulelio opposed and motion approved unanimously.

B. Draft Burial Treatment Plan Addendum for Burial Site 50-10-28-13534 located in Keopu 1 Ahupua'a, North Kona District, Hawaii Island (3) 7-5-04:por 013.

Information/Discussion/Recommendation: Discussion and recommendation on the above plan. Presentation by Haun & Associates.

Alan Haun with Haun & Associates introduces himself, Sean and landowner representative Perry. With Prime Investments, LLC we created a BTP and today we are introducing an amendment. The proposed amendment would allow for Alahou Street to connect with Henry Street. Figure 7 on page 9 depicts what is proposed. On the figure the red wall in the road way easement is existent and that is the portion that needs modification. A new wall that will be depicted in blue will be securing the burial site. The burial site buffer will be reduced on that edge of the south wall. The original BTP stipulated metal signs to be posted in protection of this site. The amendment will be incorporated into the deed and recorded at the Bureau of Conveyances.

Elarionoff asks why this thought wasn't in the original subdivision. Haun apologizes as he can't answer that question. On page 6 continues Elarionoff, 2nd to last paragraph on the bottom and on the second line. How will this connection relieve traffic on Kuakini Highway? Haun answers I am not a traffic engineer however the photo on page 5 shows this to be the only access into the neighborhood. Providing this extension will offer another way for people to transport mauka with ease. In continuation who is "it"? Haun refers to the landowners.

Lee clarifies the buffer is 20 feet from the feature and Haun states its 17 feet at the South end. The other buffers for the nearby sites are at an average of 20 feet. Young comments this easement was not in place in the earlier version of this BTP. It is something that has been granted recently. Haun clarifies the landowner will be turning the property over to the County. Perry clarifies a condition of the SMA is to grant the County a 40 foot easement.

Elarionoff asks how the people have responded to this burial site. Perry answers we received complaints of loitering and littering. We do have our maintenance check weekly although it turns into a daily job. This includes hand clearing. Elarionoff asks are residents the only traffic in the area. Perry answers people will pass through both pedestrian and vehicular travel occur in the area. The Aloha Gas Station is located next door. We contacted HPD due to an abandoned vehicle; they can't assist until we put signs up. Elarionoff continues will this amendment be a solution to the loitering and littering and the immediate use of the road. Perry replies there will be enough width to include curb gutter and sidewalk; however I am unsure if the County will do that.

Young asks beyond the walls and within the buffers is there evidence of pedestrian activity. Perry answers we can't say if people are there or not. Young asks we would like to protect the burials from impacts and maybe considering a higher fence. Haun includes once this becomes a street this area will be more visible to HPD. A suggestion from County is the cutting of a tree that is inviting to pedestrians in resistance to the sun. The homeless situation over the years has become more intense in the Kailua area.

Leslie explains the concern of the homeless and illegal activities in the area. Is there lighting in the area? Perry answers there is one light and recently someone turned off the power box in the area that shut off our irrigation system and the street light.

Kahakalau asks if there are any other options for this situation. County answers this is the only option and there were two others. The first mauka option would be the mauka road in the subdivision approved in subdivision, vacant land not residential.

Young questions the state, it's the moving of a recommended buffer and procedural it's a recommendation not a determination.

Kahaulelio asks how many burial sites are there. Haun answers there are four burial sites on the vacant land, which are three parcels. That is a concern, on page 10, features D and E were destroyed by bulldozing in 1990. Those bones were there for a long time and someone came and destroyed them. I believe there are more burials.

Leslie inquiries who are the families that are part of this burial site? A person from the audience interjects and distributes copies to the council members. Explaining, I am the assistant for County council member Dru Kanuha. Lee states we were not able to hear you could you read it again. (Reply inaudible)

Kaonohi asks is there signage protecting the area. Lee answers the plan states signage is to be implemented. The sign explains this is a cultural site and is protecting by state law. Perry implies the signage should be made up by the families. Medeiros states if the protection measures implemented were effective the condition of the site would not be this bad. Maybe you should secure the area with a solid structure. Lui suggests the County should be keeping it clean and maintain the signs. I see people partying on that corner and I suggest a higher wall. Maybe having a vegetative buffer, the south corner is always filled with trash. I haven't seen people on the burial. The east corner of the burial site is open and there was a dog house over there. Also the trees that provide shade for the loiterers should be cut and the opening at the east corner should be sealed.

Lee summarizes the recommendations; the signage includes the language of the plan and to be implemented. Young suggest we should defer this to the recognized families. They may have specific ideas to how they would like to manage it. This burial site is in a general public area. Elarionoff is against identifying burial sites, as to this might expose its nature. Signage should just state it's a culturally sensitive site and stay out.

Kahakalau explains the Kanuha family has been known to take care of the burial sites and should be given the opportunity to be physically part of the process. Lee clarifies that in securing the site; once the road is open the visibility will be better for HPD to patrol. Elarionoff adds the cops can't do everything; they can only respond and warn as far as priority. Kahakalau asks if there is any community watch for this neighborhood program. They could start taking care of their own kuleana.

Kahaulelio ads let's make this better and take care of the burial sites. We have lost so much and there have been bulldozed burial sites in the area. Do the best you can with the families of the burials. Please protect our iwi and respect our burial sites.

Kaonohi suggests the landowner can initiate native Hawaiian vegetative buffer as groundcover and follow through with implementation of the BTP. The landowner is responsible for maintaining the area. Lee asks if council member Kanuha assistant would like to read the letter again. Assistant states no.

Bucky Leslie made a motion to recommend to SHPD to approve the plan with recommendations and Leningrad Elarionoff seconded.

Council member Kahakalau opposed and motion approved unanimously.

C. Draft Burial Treatment Plan Addendum for Burial Sites located in Pu'uanahulu Ahupua'a, North Kona District, Hawaii Island, TMK: (3) 7-1-07:23, 29, 46, 48 & (3) 7-1-08:11, 12.

Information/Discussion/Recommendation: Discussion and recommendation on the above plan. Presentation by Haun & Associates.

Alan Haun of Haun & Associates introduces himself along with Rick Oliver representing Big Island Country Club, LLC. We are here to amend a BTP approved in 2004. The original plan included four burial sites on lands surrounding the country club. The preservation in place commitment remains unchanged. The original BTP included a stone wall buffer around only one of the sites. This site is 13161 and is in current use to Keakealani burial plot. A couple years ago owners of the country club changed hands. It was agreed that the stone wall around 13161 would be modified to facilitate its continued and future use. The original wall is on steep slope, the changes would resemble the wall being placed in a secure and the places where vegetation is used as buffers we would like to change to walls. It will reduce damage to the site from the ungulates in the area. The family asks if we could obtain the SIHP numbers for the inadvertent burial in the BTP.

Leningrad Elarionoff made a motion to recommend to SHPD to approve the plan with recommendations and Bucky Leslie seconded.

Chairman Lee opens the floor for discussion.

Leslie suggests the family is here today and we would like to hear if they are in approval of this. If so then I will be fine with it. Shirley Ann Keakealani introduces herself and explains the rock wall along with the native plants is in the BTP they are proposing today. This BTP has come to us before and now they are changing it to what they need to do because of the cattle.

Elarionoff asks Ms. Keakealani, you folks cry for years and now you folks are ok now? Ms. Keakealani answers we shed tears for Pu'ulani across the street. The families today approve and want to see the plan go through. With Big Island Country Club (BICC) we work well. Kahakalau explains this enhances the family's needs.

Young supports the family working with BICC and asks is there anything different now from then. What inspires this change, are there other things. Keakealani states the burials are at the base of the Pu'u and the proposed buffers. Today we can bury Ohana up there and widen the buffer area, stonewall and the entrance from the front and the back. We can still bury there. I share Nalei's view in changing buffers, although I see this as a step forward and congratulate the family for participating over the years.

Rick Oliver introduces himself and our preserve areas are not dependent in crossing others properties. The issues across the street don't occur on our property. We found out on the Keakealani site, when the lines got drawn it was impractical. We showed the family and in conjunction we all got together and made it bigger and allowed access on one side. This has taken two years to come to this meeting.

Motion approved unanimously.

V. OLD BUSINESS

A. Draft Burial Treatment Plan for Burial Sites 50-10-37-24201, 24203, and 24204 located in Puapua'a 2 Ahupua'a, North Kona District, Island of Hawaii, TMK: (3) 7-5-20-069. Information/Discussion/Recommendation/Determination: Discussion on the above plan, determination whether to preserve in place or relocate human skeletal remains, and recommendation to SHPD whether to accept the Burial Treatment Plan. Presentation by Haun & Associates.

Alan Haun of Haun & Associates introduced himself along with land owner Nancy Capri. This BTP was first presented to the HIBC in April 2013 and the comments received during that meeting have been addressed in this revised plan and they are highlighted on page 6 which shows the location of the plans. This has been shifted to the North. On page 70 the word literally will be removed and on page 12 the consultation section was updated to reflect the efforts to contact individuals. On page 17 there were mostly grammatical errors that were corrected. On page 18 another grammatical error corrected as well as the warning signs. Any questions?

Leningrad Elarionoff made a motion to preserve in place and Charles Young seconded.

Chairman Lee opens the floor discussion.

Leslie sympathizes with the family as the location of the area is near a school and it is loud during the day. Ms. Hoomanawanui and I made a site visit and witnessed school activities. Kahalelio asks is that the driveway along the edge of the property. My concern is the homes location and the drainage of the sewage. The pathway of the sewage is through the burial and ceremonial sites. I was wandering where you are going to put the drainage and sewage. Nancy answers the pipe will run along the boundary of the property to connect to Ali'i Drive. Leslie suggests the newly proposed area where they want to put the home. I wouldn't want to be closer to the school as there is rubbish from the school there.

Kahakalau from the permanent buffer to be established, how close to the home is it? Haun answers at least an estimate of 90-100 feet. The outer most perimeters are the temporary construction buffer. The permanent buffer is the blue line. Young emphasizes the Archaeological Monitoring Plan, as all construction has the potential in impacting cultural remains. The language is different and may include different things.

On page 1 of the BTP, there were forty or so features on that property as I didn't realize it had such a high concentration of cultural sites. My conclusion was you are going to have a lot of company and many of our ancestors are there. I am in disbelief whoever sold you that lot, as you have a community with you, good luck.

Chairperson Lee opens the floor for public testimony.

Medeiros would like to see better permanent buffers as the vegetation may be a fire hazard. Kaonohi ads have there been families that have come forward. Hoomanawanui clarifies the descendancy list resembles families to Ahupua'a and recognized to a particular site by HIBC.

Motion approved unanimously.

Bucky Leslie made a motion to recommend to SHPD to approve the plan with recommendations and Leningrad Elarionoff seconded.

Young recommends the state consider expanding the buffer zone to 20 feet and setback to 10feet. Another recommendation is to make sure the permanent buffer is culturally appropriate. Capri asks for discussion

and explains. The protection of the burial is boulders looking natural. This accomplishes protection and then planting t-leaves. To build a rock wall around it and makes it stand out and not very appealing. The buffers, we are trying to grow and practice organic farming. We already looked at the proposed site and the organic plants seems complimentary to the property. Young explains the recommendation for the descendant to work with the family. Kahakalau assures the final permanent buffer be agreed by the descendants and the landowner. Young concludes please work with the descendants.

Lee summarizes the recommendations to include a 20 feet buffer and a 10 feet setback and to discuss with descendants the type of permanent buffer to be used.

Motion approved unanimously.

VI.SHPD INADVERTENT DISCOVERY

A. April 20, 2013- May 20, 2013 (4) at Department of Hawaiian Home Lands (DHHL), Lalamilo Subdivision.

Ms. Hoomanawanui begins with the first inadvertent on April 20, and three more encountered up until May 20th. Mike Vitousek Island and I conducted a site visit after consultation from SCS. Preservation in place is proposed. Preservation lots will be made of the burial sites and redesign for the subdivision is being done. Burials are located on DHHL lands which are deemed federal and under NAGPRA jurisdiction. This only allows for the state to make recommendation only. I requested a BTP for the inadvertent in April and disagreed with their initially proposed draft. Vitousek adds the first inadvertent was removed and re-interred on the same parcel as a result of the NAGPRA process. In removal we had conditions that would set aside the lot as a natural surface and not a graded lot. They ended up grading the lot and it is no longer in the natural surface. We see it as a violation to the plan in approval for their grading permit. We wanted to know the HIBC's opinion regarding our response to DHHL.

Young asks if consultation with HIBC has already occurred. I recall the Keakealani Family came forward at that time. Hoomanawanui replies feedback was received from descendants stating a consultation occurred early on and they disagreed with the proposed plan. We have tried to communicate our concurrence with their burial plans. Outside of my role here at SHPD you are an NHO of your own to give recommendation to the proposed burial plans. Kaonohi, lineal recognized descendant and NAGPRA claimant. There was a re-internment in April and we were notified of the inadvertent after that. I notified Kamana'o at DHHL and requested to preserve in place. Kahaulelio suggest Marilyn Albina a direct descendant of the area whom just recently passed. The Lindsey family has a cemetery in there.

Kaonohi describes her family and how they consulted prior and made consultation with DHHL. Young asked if they needed State concurrence. Vitousek clarifies we are able regulate how the process occurs as they are still on State land. They were to keep the land natural and rebury the individual in the natural ground surface. They graded the lot and reburied it on a selected area on the same lot. Vitousek explains our State burial laws are stronger than the Federal burial laws. Vitousek asks do you feel the reburial atop that lot is appropriate and wouldn't be a violation. Should we raise the issue of the violation? Leslie suggests raise the issue and let them know what is wrong and right. The issue as some of the family agreed with that process and some did not. This is State land can't we regulate. Elarionoff is concerned with what the terrain looks like. It is a rocky area and one lot is up and down and the rest is flat. If there was an agreement that it would be done like that. They should have consulted and not do it on their own. Young describes the HIBC in the past and has witnessed the differences in how different islands operate. In this case Oahu Ohana may have been okay with it and the descendants here would like to preserve in place. Kaonohi clarifies the letter I received that families supported the re-internment. Medeiros ads that I

received the same letter and wasn't aware that it wasn't okay. Lui clarifies we offered help since the letter inferred that it was already approved. We weren't aware of how the language of the document occurred. The consultant called and asked for kapa and other cultural supplies. Our concern was what we would be built near the burial. They answered with nothing will be built. Kalani Flores brought up the question of the reburial. Will this be the permanent re-internment site? The machine did not want to start and we were talking, they were supposed to go by hand or use a shovel. As soon as they were using the shovel the machine started again. Medeiros expresses concerns in how the destruction of the site occurred and support violations. Please determine the amount of damage that has occurred and accountability in following the language of the plan. The natural state should be continually observed.

Kahaulelio explains Lalamilo is to have four hundred houses to be built there. Between Lalamilo 2 and Lalamilo 1 and in the middle is fee-simple. Near Lalamilo 1 there is no opening on that road and in the case of emergencies there is no outlet. The dump is directly across and the essence will be frequent in the subdivision. There is a river that runs through the subdivision. You need to do something to stop this and I don't care what the descendants say. Mary Lou shared with me that at that meeting a lot of people are in disagreement with the plan. The young ones don't know anymore and us the old people are gone already. They got to the young people at that meeting and the old people said no.

Kahakalau explains it is the kuleana for them to take care and its insulting this Hawaiian organization sets precedence likes this. It is not fair the families don't know the outcome of the meetings. At least make it an educational experience and be aware.

B. April 23, 2013 at Department of Hawaiian Home Lands (DHHL), Kipuka Ainahou.

Mike Vitousek explains Kipuka Ainahou is a bow hunting area and Pu'u O'o trail runs through there. HPD notified our office of an inadvertent found by a hiker and DOCARE also responded. I hiked 5 miles to the site and located the burial site, recorded the information. I contacted Hoomanawanui, got the okay and covered it up. Took a GPS point and turned it over to DHHL, the landowner in part to the NAGPRA process.

VII. SECTION 106 CONSULTATIONS

A. Cultural Resources Survey of the Proposed Improvements of the Popo'o Makai Trail in Priority Area Three of the Ke'amuku Maneuver Area at Pohakuloa Training Area, Waikoloa Ahupua'a, South Kohala District, Hawaii Island. TMK: (3) 6-7-001:009.

Information/Discussion/Recommendation: Discussion and recommendation on the above Section 106 Consultation. Presentation by U.S. Army Garrison Commander Representative.

Hoomanawanui introduces the 106 consultation acknowledging no representative from the Army here today. The HIBC has no other way to discuss consultation so we agendized the incoming consultations to SHPD cc'd for HIBC. I made copies of these consultations for you to review today.

Mike Vitousek read over the consultations and can update the HIBC members. Item A is the proposed upgrade to a trail in KMA. All three of the projects involve grading, shaping, repairing and widening of trails accommodating the ARMY vehicles. There are maps identifying the area, for Item A we figure 2 describing the area. Item B is enclosure 2 of the map in the area. The military wants to widen and improve the roads and sent consultation letters to HIBC. We figured the best way to consult is if it is on the agenda for you and the descendants to discuss. The three undertakings are evaluating the effects in the road improvements. Do we agree with the only impact will be the middle of the road. In this case the military road might enable shooting from that area that would affect the historic properties of the area. Do you

think they should be confined to the road? Or do you think the improvements to the road will have effects to the surroundings near the road. Either you use the road for transport or are you going to be shooting guns along the way. Lee asks who will be communicating with them, Vitousek answers me. Lee prefers to get feedback from descendants and then continue after that. Vitousek explains this is the consultation to the HIBC and we are initiating since they are absent today. SHPD reviews these consultations independently and we state that we have spoken with HIBC and they are in agreement or not with the proposed projects. Unless we get comments to them within the thirty days they sometimes move on. Because of the sunshine law this consultation needs to be agendaized to discuss.

The next one would be if there are burial sites located in the area of potential effect. Young asks how the programmatic agreement affects us. Is Julie of the Army making the cultural and archaeological decisions for the Hawaiians? Hoomanawanui answers supposedly the process in the PA gives guidelines that they are to comply with. We are trying to interpret and discuss the language in the PA and the actuality that SHPD has concurrence with HIBC to comment. Vitousek states that the PA does not include the KMA and that is why they are independently consulting. If they have this type of project they need to follow the steps. Vitousek concludes given that consultation with NHO's is a requirement of section 106 the final thing is whether the council would recommend that the consultation is completed with NHOs' prior to reaching a determination of the effect. They are currently saying no adverse effects, and using the determination as consultation. We would rather have them consult prior to making a determination. In our letter we would take the HIBC recommendation for more information on the area of potential effect. Looking into the possibility of burials in the area of direct and indirect effects and requesting consultation before making a determination.

B. Cultural Resources Survey of the Power Line Trail in the Ke'amuku Maneuver Area, Pohakuloa Training Area, Waikoloa Ahupua'a, South Kohala District, Hawaii Island. TMK: 93) 6-7-001:045. Information/Discussion/Recommendation: Discussion and recommendation on the above Section 106 Consultation. Presentation by U.S. Army Garrison Commander Representative.

C. Cultural Resources Survey of the Bridge Bypass Trail Repair and Maintenance, Ke'amuku Maneuver Area, Pohakuloa Training Area, Waikoloa Ahupua'a, South Kohala District, Hawaii Island. TMK: 93) 6-7-001:045. Information/Discussion/Recommendation: Discussion and recommendation on the above Section 106 Consultation. Presentation by U.S. Army Garrison Commander Representative.

VIII. NAGPRA CONSULTATION

A. NAGPRA Consultation for the Proposed Installation of an 88 Foot tall Mono-pine Antenna Structure to be located at Kuakini Highway, Lanihau Ahupua'a, North Kona District, Hawaii Island TMK: (3) 7-6-024:032. Information/Discussion/Recommendation: Discussion and recommendation on the above installation. Presentation by AT&T Wireless.

Mike Vitousek explains there are no burials on this property and don't know why this has been sent to HIBC for consultation.

B. NAGPRA, 43 CFR 15(b) Consultation for the Disposition of 15 Native American Human Remains with the Ute Mountain Tribe of the Ute Mountain Reservation located at Denver Museum of Nature and Science. Information/ Discussion/Recommendation: Discussion and recommendation on the above disposition.

Hoomanawanui describes the insert included in your HIBC regarding the Ute tribe as you are listed as NHO to consult with regarding the repatriation of their iwi kupuna. Lee elaborates on thanking Young and Elarionoff as they are no longer going to be in HIBC. Young asks to nominate Lee as the Chair.

IX. ANNOUNCEMENT

A. Next HIBC meeting scheduled for Thursday July 18, 2013.

X. ADJOURNMENT

Chairperson Lee adjourned the meeting at 4:14pm.

Respectfully Submitted,

Kauanoë Hoomanawanui